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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,891	06/13/2001	Nobuyuki Katsuda	0425-0842P	2878

2292 7590 04/14/2003

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EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/857,891

Applicant(s)

KATSUDA ET AL.

Examiner

Faye Fleming

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The corrected or substitute drawings were received on January 15, 2003. These drawings are acceptable.

### ***Information Disclosure Statement***

2. The information disclosure statement filed January 15, 2003 has been entered and acknowledged.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Bishop, et al (5,351,988).

Bishop, et al teaches a hybrid inflator 10 for an safety system of vehicles provided with an airbag (not shown) comprising an inflator housing 52 having a pressurized medium including an inert gas wherein the pressurized medium contains no oxygen; a gas generating agent including a fuel and an oxidizing agent; a gas generator 10 installed in the inflator housing having a chamber containing the gas generating agents 320 and ignition means 202 chamber connected to the gas generator.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop, et al (5,351,988) in view of Kanda, et al (6,177,028).

Bishop, et al teaches the claimed invention except for a slug-forming agent. Kanda, et al teaches a gas generator comprising a slug-forming agent. Based on the teachings of Kanda, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gas generating agent of Bishop, et al to include a slug-forming agent to improve the effect of burning the gas generating agent.

7. Claims 1-3, 5-11, 13-16 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop, et al (5,351,988) in view of Ludwig, et al (6,474,684).

Bishop, et al teaches a hybrid inflator 10 for an safety system of vehicles provided with an airbag (not shown) comprising an inflator housing 52; a gas generator 10 installed in the inflator housing; an ignition means 202 connected to the gas generator wherein the interior of the inflator housing is filled with a pressurized medium; and the gas generator has at least one gas generating chamber storing a gas generating agent 320. The gas generating agent includes a fuel and an oxidizing agent. The gas generating means is kept in a normal pressure atmosphere. Bishop, et al also teaches an

activating signal outputting means comprising an impact sensor and a control unit and a module case in which the hybrid inflator and airbag are stored (see col. 4, lines 58-68). With respect to a molar ratio, it would have been obvious to one having ordinary skill in the art at the time the invention was made to set a ratio, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Bishop, et al discloses the claimed invention except for a guanidine derivative, a non-azide organic compound and an inflator housing made of steel.

Ludwig, et al teaches a fuel being a guanidine derivative, the fuel is also a non-azide organic compound except the nitramine compounds. The inflator housing of Ludwig, et al is made of high strength steel. The gas generating agent 55 disclosed by Ludwig, et al is formed in a cylindrical shape. With respect to using a fuel of a guanidine derivative and using a gas generating agent having a pressure index less than 0.8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fuel and the gas generating agent, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Regarding claims 21, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the inflator to be made of high strength steel having a tensile strength of not less than 60 kg/mm<sup>2</sup>, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Based on the teachings of Ludwig, et al, it would have been obvious to one having ordinary skill in the

art at the time the invention was made modify the gas generating agents of Bishop, et al to control the rate in which the airbag inflates and to modify the hybrid inflator of Bishop, et al to be made of steel to provide stability and strength for the housing of the inflator.

8. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop, et al (5,351,988) in view of Ludwig, et al (6,474,684) and further in view of Kanda, et al (6,177,028).

Bishop, et al in view of Ludwig teaches the claimed invention except for a slug-forming agent. Kanda, et al teaches a gas generator comprising a slug-forming agent. Based on the teachings of Kanda, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gas generating agent of the combination of Bishop, et al and Ludwig, et al to include a slug-forming agent to improve the effect of burning the gas generating agent.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

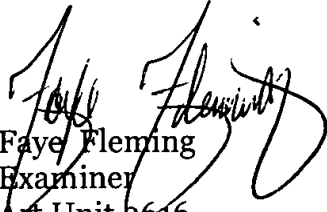
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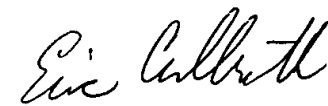
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Faye Fleming  
Examiner  
Art Unit 3616  
04/07/03

  
ERIC CULBRETH  
PRIMARY EXAMINER

4/7/03